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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,655	02/26/2002	Yoshihiro Yamaguchi	450100-03798	2840
20999	7590	10/14/2005		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER ZHOU, TING	
			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,655

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Ting Zhou

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2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 1 August 2005 under 37 CFR 1.53(d) based on parent Application No. 10/085,655 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 1 August 2005, submitted with the filing of the RCE have been received and entered. Claims 1-7 as amended are pending in the application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 7 is not tangible. Claim 7 is a software (i.e. a program), per se, or at best, directed to an arrangement of software. The claimed features and elements of independent claim 7 do not include hardware components or features that are necessarily implemented in hardware and therefore lacks hardware to enable any functionality to be realized. Software claimed by itself, without being executed or implemented on a computer medium, is not tangible.

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4. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee U.S. Patent 5,999,169 and Eisen et al. U.S. Patent 5,523,754 (hereinafter "Eisen").

Referring to claims 1, 5, 6 and 7, Lee teaches an information processing device, method, recording medium and program comprising server means for monitoring an operation notification by the input device (the computer GUI receives an input command signal) (Lee: column 2, lines 63-67 through column 3, line 1) and determining and executing the operation based on the operation notification (upon receiving an input signal, the signal is demultiplexed into a first and second signal to determine the two-dimensional movement of the input and the input is operated according to the determined two-dimensional movement) (Lee: column 3, lines 8-38), wherein the server means loads, at the time of start-up, a script file describing a status transition of the input device in the script language, the status transition represents how each status shifts in a particular situation (the driver determines how each input corresponds to an

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associated output) (Lee: column 3, lines 24-41 and column 4, lines 20-59), reads the status transition corresponding to the operation of the input device, and executes the operation corresponding to the read status transition thus read (upon receiving input signals from input devices such as a mouse or a TrackPoint device, the GUI's support software handles the signals by sending the signals to a mouse driver which demultiplexes the signals to represent two dimensional movements of the input device, thus providing the appropriate outputs, such as scrolling up/down, moving forward/backward, etc.) (Lee: column 3, lines 24-41 and column 4, lines 20-59). However, Lee fails to explicitly teach the status transition based on hardware that can be supported by changing the script file and information relating to incompatible applications. Eisen teaches the execution of the operation that corresponds to the status transition of an input device (receiving user input such as selection of an appropriate language, and executing the operation of the remapping command according to the corresponding input language) (Eisen: column 1, line 52-column 2, line 2 and column 3, lines 34-67) similar to that of Lee. In addition, Eisen further teaches the status transition based on hardware that can be supported by changing the script file and information relating to incompatible applications (applications/processes can be executed and data input using different hardware mapping via changing the script file, i.e. remapping the input device; for example, updating the LKP Table and remapping the keyboard in order to support incompatible, i.e. different user selected languages/keyboards to be used with particular applications) (Eisen: column 1, line 52-column 2, line 2 and column 3, lines 1-67). It would have been obvious to one of ordinary skill in the art, having the teachings of Lee and Eisen at the time the invention was made, to modify the input based information processing device of Lee to include the changing of the script file in order to

support hardware taught by Eisen. One would have been motivated to make such a combination in order to allow users to automatically switch from application to application and input data using different keyboard maps without having to reset the entire system each time.

Referring to claim 2, Lee, as modified, teach the operation corresponding to the status transition read from the script file loaded by the server means is a display related to a graphical user interface of the input device (the mouse driver provides a user interface window in which displayed symbols can be operated based on received signals) (Lee: column 3, lines 24-37 and column 5, lines 10-53).

Referring to claim 3, Lee, as modified, teach the display related to the graphical user interface includes a first display status for displaying what processing the information processing device can currently carry out in accordance with the operation using the input device (for example, the GUI displays a special function sub-window, such as a magnifier, which shows the magnification of the GUI content which appears on the display in the position where the magnifier is located, which can be moved in the up/down and left/right directions) (Lee: column 3, lines 36-37 and column 6, lines 54-67 through column 7, lines 1-10), and a second display status for displaying a list of items which can be executed on the information processing device in accordance with the operation of the input device (the displayed user interface window includes a bank of functions allowing the user to select which function the selected user input is to apply to) (Lee: column 5, lines 41-53).

Referring to claim 4, Lee, as modified, teach the first display status is a guide status for guiding the operation of an application program (guiding the operation of a displayed symbol based on the received signals, including guiding the operation of moving forward/backward

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through a sequence of displayed frames, moving a cursor over the GUI display in the up/down and left/right direction, moving a special function sub-window over the GUI, etc.) (Lee: column 3, lines 23-37 and column 6, lines 54-67) and the second display status is a list view status for displaying a list of application programs to be selected (the GUI window displaying a list of functions and controls for allowing the user to select which one of the desired functions the user input is to apply to) (Lee: column 5, lines 41-53).

Response to Arguments

6. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



RAYMOND J. BAYERL
PRIMARY EXAMINER
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